
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

BILLY L. ROHWEDDER,

Plaintiff,

v.

WARENSKI SPERRY,

Defendants.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 2:20-CV-81-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On March 7, 2023, Magistrate Judge Pead issued a Report and Recommendation [ECF No. 52], recommending that the court grant Officer Sperry's Motion for Summary Judgment [ECF No. 43].

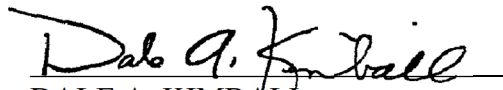
The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. As of the date of this Order, Plaintiff has not filed an Objection to the Report and Recommendation, and the time for doing so has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Pead's analysis and recommendations in their entirety. Officer Sperry is entitled to qualified immunity

because there is no evidence of a pretextual stop or search and no law clearly establishing a constitutional violation under the factual circumstances presented in this case. Therefore, the court adopts and affirms Magistrate Judge Pead's Report and Recommendation as the Order of the court. Accordingly, the court grants Officer Sperry's Motion for Summary Judgment [ECF No. 43].

DATED this 28th day of March, 2023.

BY THE COURT:


DALE A. KIMBALL
United States District Judge